

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>MARLON BROWNE,</b>	:	<b>CIVIL ACTION NO. 4:05-CV-0036</b>
	:	
<b>Petitioner</b>	:	<b>(Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>DEPARTMENT OF HOMELAND SECURITY IMMIGRATION AND CUSTOM ENFORCEMENT</b>	:	
	:	
<b>Respondent</b>	:	

**ORDER**

AND NOW, this 23rd day of June, 2005, upon consideration of respondent's motion to transfer the above-captioned case (Doc. 10) pursuant to amendments to 8 U.S.C. § 1252 enacted on May 11, 2005, as part of the Real ID Act of 2005, Pub. L. No. 109- 13, § 106, 119 Stat. 231, 310-11, stating that, "[i]f a alien's case, brought under [28 U.S.C. § 2241] and challenging a final administrative order of removal, . . . is pending in a district court on the date of the enactment of this division, then the district court *shall* transfer the case . . . to the court of appeals for the circuit in which a petition for review could have been properly filed under [8 U.S.C. § 1252(b)(2)]," see Real ID Act § 106, 119 Stat. at 310-11 (emphasis added), and it appearing that petitioner is an alien<sup>1</sup> (Doc. 1 at 1), see 8 U.S.C. § 1101(a)(3), that the above-captioned case was brought under 28 U.S.C. § 2241, challenges a final administrative order of removal, and was pending in this court on May 11, 2005

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<sup>1</sup> Petitioner's alien number, gleaned from documents submitted by the government in its response to the petition, is: A43 577 406.

(Doc. 1), see 28 U.S.C. § 2241; INS v. St. Cyr, 533 U.S. 289, 314 (2001), and that a petition for review of the final administrative order of removal under 28 U.S.C. § 1252(b)(2) could have been properly filed in the United States Court of Appeals for the Third Circuit, as “the court of appeals for the judicial circuit” encompassing York, Pennsylvania, where “the immigration judge completed the proceedings”

(Doc. 11 at 1), see 28 U.S.C. § 1252(b)(2), it is hereby ORDERED that:

1. The motion to transfer (Doc. 11) is GRANTED. See Real ID Act § 106, 119 Stat. at 310-11.
2. The Clerk of Court is directed to TRANSFER the above-captioned case, to be identified as a “petition for review,” to the United States Court of Appeals for the Third Circuit. See id.
3. The Clerk of Court is directed to CLOSE this case.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge